



City of Tacoma
Public Works Department

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**EXEMPTION FROM SHORELINE MANAGEMENT ACT
SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENT**

LOCAL FILE NO.: SHR2002-00010

DATE: August 9, 2002

APPLICANT: April Reynolds
Shapiro and Associates, Inc.
101 Yesler Way, Suite 400
Seattle, WA 98104

DESCRIPTION OF PROPOSAL:

The applicant has requested an exemption to the City's Shoreline Regulations to allow for the replacement of six (6) existing piling and the replacement of boathouse floats with associated maintenance to the boathouse. The site is located at 1690 Marine View Drive along the Hylebos Waterway. Of the six existing piles, four (4) wood (creosote) piles will be removed that currently support an existing pier and were damaged in the 2001 earthquake. The replacement of the four piling is in accordance with the *Washington Administrative Code* exemption for normal maintenance or repair of existing structures (WAC 173-27-040.2.b). Two (2) wood (creosote) piles will be removed that are adjacent-to, but not supporting the pier. The piles will not be replaced in the original locations, but instead, be repositioned under the pier for additional support. Following the removal of the existing pilings, remaining holes will be filled with clean sand. The piles will be replaced with six (6), 12-inch, coated steel piles that will be used to support the pier. All piles will be removed/installed through the vibratory insertion/extraction system and X-bracing will be added to the new piles for additional support. The incorporation of the two piles into the pier structure would be accomplished in accordance with the *Washington Administrative Code* exemption for development in which the total cost does not exceed five thousand dollars (WAC 173-27-040.2.a).

The applicant is also proposing to replace deteriorated steel floats with new foam filled float tubs that will support an existing boathouse. The existing shake roof on the boathouse will be removed and replaced with a new metal roof along with additional maintenance to the boathouse including painting of the siding and installation of new gutters. All improvements will be located water ward of the ordinary high water mark.

The proposed project is located within a designated Superfund site. Conservation measures will be taken to minimize disturbance throughout the construction activities, and will include a containment sleeve that will be placed around pilings that will be removed in order to contain the suspended sediments in a small area.

The Environmental Protection Agency (hereinafter EPA) and Citizens for a Healthy Bay (hereinafter CHB) have submitted comments for the above proposal. Those comments have been summarized and are addressed as follows:



The EPA noted that in October of 1996, Way Conn Properties, owners of the subject site, entered into an agreement with the agency regarding the purchase of the site and accepted the responsibility of taking appropriate actions against the release or threat of release of any pollutant or contaminants from the site and into the surrounding waters. The EPA also notes that there is contamination of the sediments at the site where the activities are proposed. The contaminated area is apart of the Super Fund Program in which cleanup activities are slated for the near future. Due to the nature of the proposed activities, it is likely that the contaminated sediments will be stirred up and spread out beyond the subject site. The applicant should use appropriate conservation measures to prevent suspension and distribution of the contaminated sediments. Precautions should also be taken to prevent any materials from the float replacement and maintenance repairs of the boathouse from entering the waters. The EPA has provided several contacts in which the applicant may utilize to gain more information and preventative techniques for the proposed action regarding the contamination of the site.

The CHB have expressed their concern over the proposed project and have pointed out several key points. The proposed actions should be coordinated with sediment remedial actions in that section of the waterway. Additional care should also be taken in the maintenance work and replacement of the floats on the boathouse to prevent any materials from entering the waterway. The CHB also notes that the Hylebos Waterway is a part of a habitat corridor used by out-migrating juvenile salmon leaving Hylebos Creek and entering Commencement Bay. The CHB suggests the utilization of an open grate pier to minimize the amount of shading in the water.

Attachments:

1. Site Plan (3 pages)
2. Elevations (2 pages)
3. JARPA form
4. Army Corps. Project Information Form
5. Comment from Kris Flint, Environmental Protection Agency, to Jennifer Hansen, August 6, 2002
6. Comment from Leslie Rose, Citizens for a Healthy Bay, to Jennifer Hansen, August 6, 2002

LOCATION/NAME OF WATER AREA:

1690 Marine View Drive - "S-10" Port Industrial Shoreline District

DESCRIPTION OF ANY OTHER WORK PLANNED IN THE FUTURE WHICH IS RELATED TO THIS PROJECT:

N/A

EXEMPTION CRITERIA:

This project is **EXEMPT** because:

RCW 90.58.030(3)(e)(i); WAC 173-27-040(2); and Section 13.10.030.35 and 13.10.030.37 of the Tacoma Shoreline Regulations exempts "normal maintenance

or repair of existing structures or developments, including damage by accident, fire, or elements." As well as, "any development in which the total cost or fair market value, whichever is higher, does not exceed five thousand dollars, if such development does not materially interfere with the normal public use of the water or shorelines of the state."

CONSISTENCY WITH CITY REGULATIONS:

Consistent



Inconsistent



Policies of the Shoreline Management Act
The Master Program

USE CATEGORIES: (Select from list below)

☐ bulkheads

☐ riprap

☒ docks

☐ ramp ways

☐ decks

☒ others

☐ utilities

PERMITS REQUIRED:

1. City of Tacoma Building Permit
2. Department of Fish and Wildlife Hydraulic Project Approval
3. U.S. Army Corps of Engineers Section 10 Permit

SPECIAL CONDITIONS:

1. No construction debris shall be allowed to enter waters of the state.
2. Construction materials and debris shall be promptly removed and disposed of in an appropriate upland location.
3. The applicant shall obtain all necessary permits required by the U.S. Army Corps of Engineers and the State Department of Fish and Wildlife and comply with all conditions set forth within them.
4. The applicant shall comply with all conservation measures set forth in its Army Corps Project Information Form (Attachment #4).
5. The applicant shall coordinate its maintenance and repair activities authorized herein with the EPA to prevent further contamination and sediment dispersion on the site.


ENVIRONMENTAL REVIEW:

In accordance with WAC 197-11-800, this proposed action is exempt from the Threshold Determination and Environmental Impact Statement requirements of SEPA. Please be advised that your proposal must conform with applicable city, county, state, and federal regulations. Contact the Building and Land Use Services Division and the Fire Protection Engineer of Public Works regarding these matters, Tacoma Municipal Building, 747 Market Street, Room 345, telephone 591-5001.

ENDANGERED SPECIES ACT WARNING:

The holder of this shoreline permit exemption is responsible for compliance with the applicable provisions of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531 et seq.), and this shoreline permit exemption includes no representation of or warranty of ESA compliance.

Please note that this exemption is subject to the appeal provisions set forth on the attached appeal page. Should you have any questions, please contact Jennifer Hansen, Land Use Administration Planner, at (253) 591-5022.


PETER KATICH
Land Use Administrator

August 9, 2002
DATE

Department of Ecology - Shorelands Program, Attn: Shoreline Permit Coordinator,
PO Box 47703, Olympia, WA 98504-7690

Department of Ecology - Environmental Review Section, Attn.: Barbara Ritchie, 300
Desmond Dr., Olympia, WA 98504-7600

Puyallup Tribal Council, Attn.: Bill Sullivan, 2002 East 28th Street, Tacoma, WA
98404

Department of Fish & Wildlife, Attn.: Dave Molenaar, 600 Capital Way North,
Olympia, WA 98501

US Army Corps of Engineers - Seattle District, Attn: Jack Gossett, PO Box 3755,
Seattle, WA 98124-2255

New Tacoma Neighborhood Council Members

New Tacoma Neighborhood Council, Sam Tower, Chairperson, 1346 South Fawcett
Avenue, 98402

Public Works Department, Permit Counter

Environmental Protection Agency, Howard Orlean, 1200-6th Avenue - Mail Stop
ECL-111, Seattle, WA 98101

Environmental Protection Agency, Kris Flint, EPA - ECL-111, 1200 Sixth Avenue,
Seattle, WA 98101

Washington Department of Natural Resources, Kathy Krech, DNR - South Puget
Sound Region, 950 Farman Avenue North, Enumclaw, WA 98022-9282

Port of Tacoma, Richard Gilmur, P.O. Box 1837, Tacoma, WA 98401

Tacoma Economic Development Department, Robin Meyer

Tacoma Economic Development Department, Elton Gatewood

File: SHR2002-00010 - Building and Land Use Services Division, Public Works
Department

APPEAL PROCEDURES

RECONSIDERATION:

Any person having standing under the ordinance governing this application and feeling that the decision of the Administrator is based on errors of procedure or fact may make a written request for review by the Administrator within fourteen (14) days of the issuance of the written order. This request shall set forth the alleged errors, and the Administrator may, after further review, take such further actions as deemed proper, and may render a revised decision. A request for RECONSIDERATION of the Land Use Administrator's decision in this matter must be filed in writing with the Building and Land Use Services Division, Room 345, Third Floor, Tacoma Municipal Building, 747 Market Street, Tacoma, WA 98402, on or before August 23, 2002.

APPEAL TO HEARINGS EXAMINER:

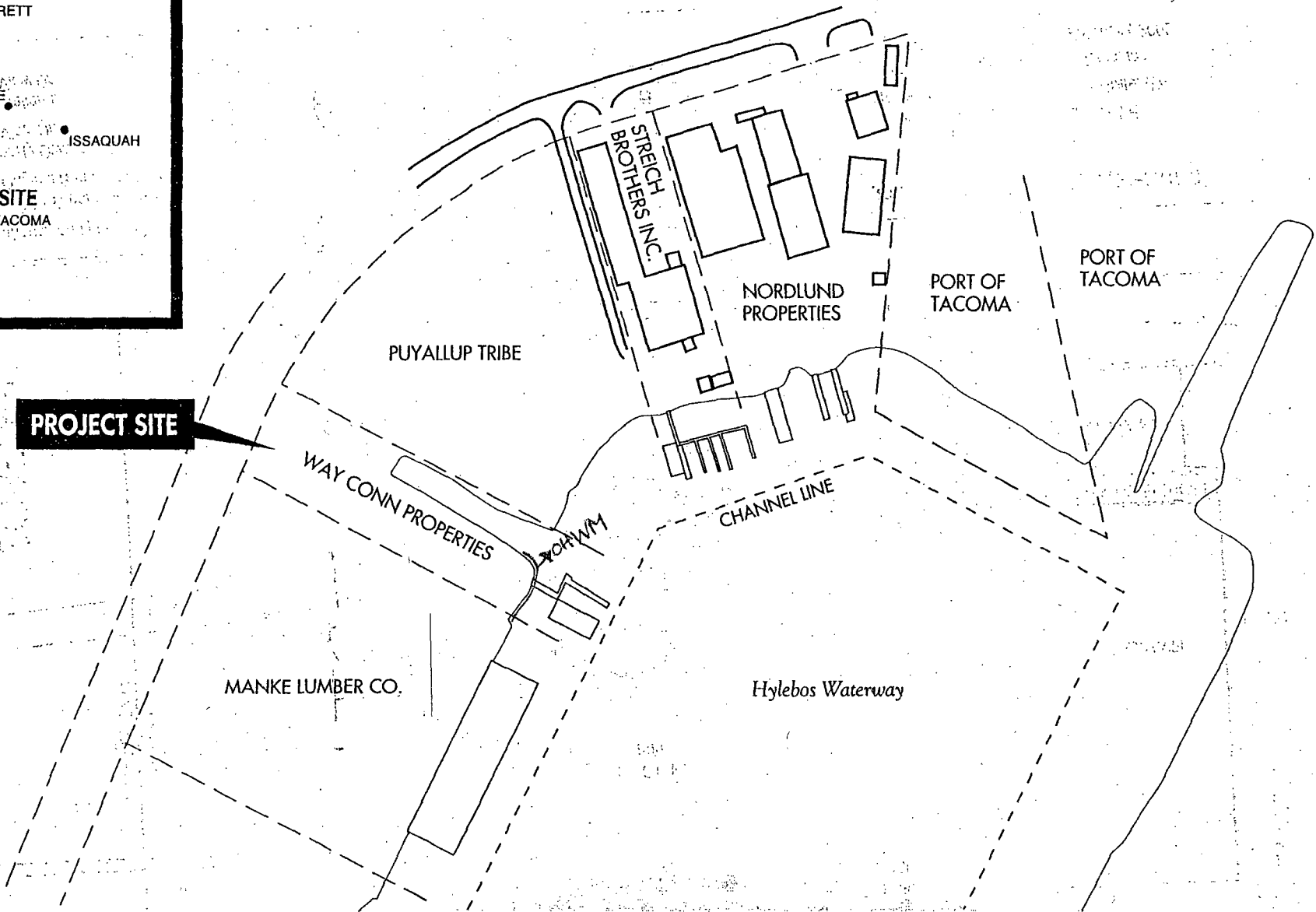
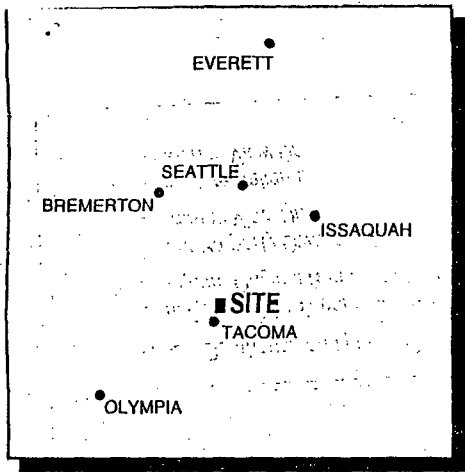
The applicant, property owner, or owners of property entitled to receive a copy of the decision of the Land Use Administrator shall have the right, within fourteen (14) days of the issuance of this decision, or within seven (7) days of the date of issuance of the Administrator's decision on a reconsideration, to appeal the decision to the Hearing Examiner.

An appeal to the Hearing Examiner is initiated by filing a Notice of Appeal accompanied by the required filing fee. Filing of the appeal shall not be complete until both the Notice of Appeal and required filing fee have been received. The Notice of Appeal must be in writing and shall contain the following:

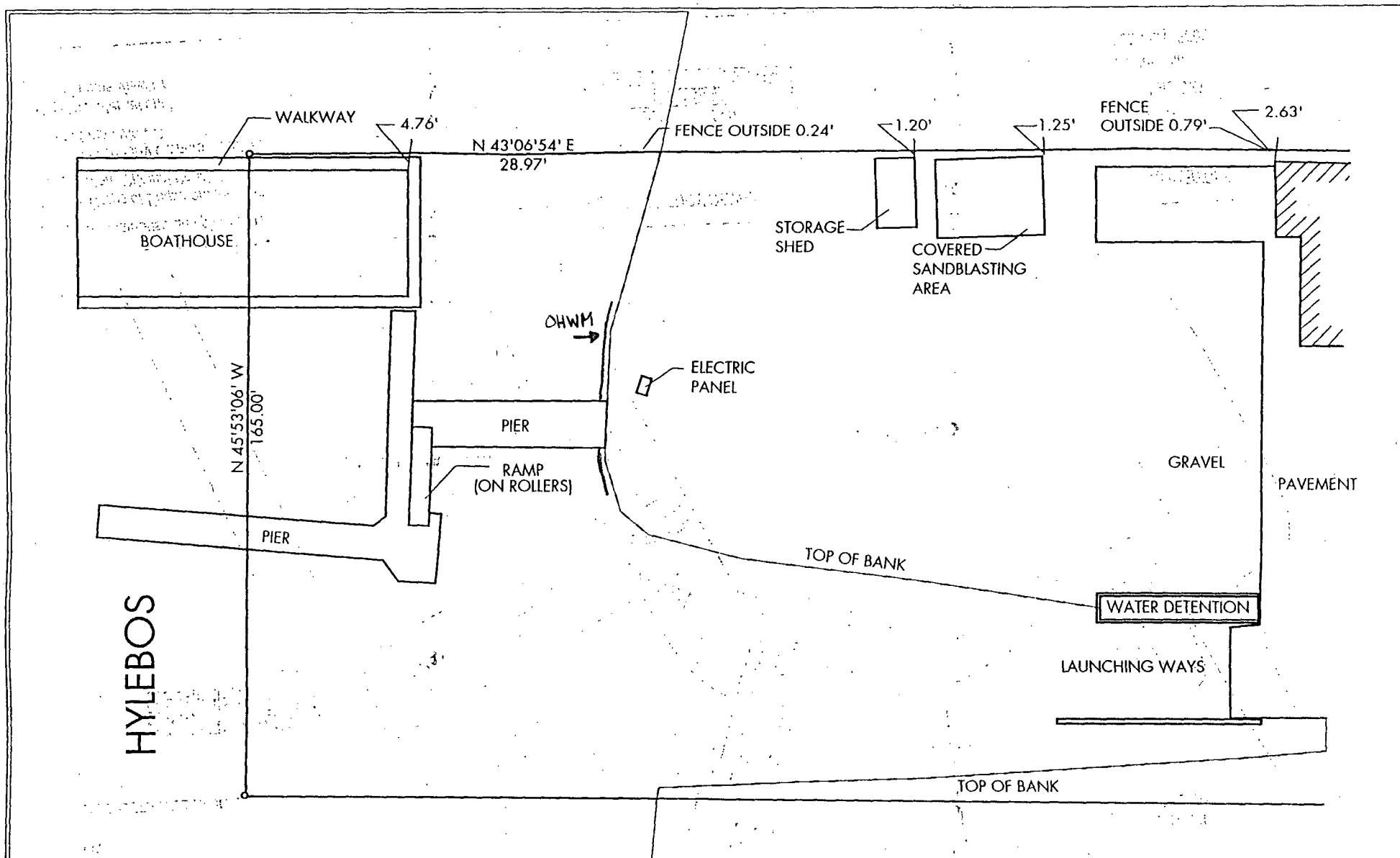
- (1) A brief statement showing how the appellant is aggrieved or adversely affected.
- (2) A statement of the grounds for the appeal, explaining why the appellant believes the administrative decision is wrong.
- (3) The requested relief, such as reversal or modification of the decision.
- (4) The signature, mailing addresses and telephone number of the appellant and any representative of the appellant.

An APPEAL of the Land Use Administrator's decision in this matter must be filed with the Hearing Examiner's Office, Seventh Floor, Tacoma Municipal Building, on or before August 23, 2002, together with a fee of **\$214.93**. THE FEE SHALL BE REFUNDED TO THE APPELLANT SHOULD APPELLANT PREVAIL.

ATTACH. #1



<p>Purpose: Boathouse and pier repair.</p> <p>Datum: Corps of Engineers for Lake Washington, Original Bench Mark.</p> <p>Adjacent Property Owners: Manke Lumber 1717 Marine View Dr.</p> <p>Puyallup International 3702 Marine View Dr.</p>	<p>NOT FOR CONSTRUCTION, FOR AGENCY REVIEW ONLY</p> <div data-bbox="661 1388 766 1502"> <p>NORTH</p> </div> <div data-bbox="798 1388 1218 1485"> <p>SCALE: 1"= 260'</p> </div>	<p>PROJECT SITE AND ADJACENT PROPERTIES</p> <p>In: Section 36, Township 21 N, Range 3 E</p> <p>County of : Pierce State: WA</p> <p>Application by: Shapiro and Associates, Inc.</p> <p>Sheet 1 of 3 February, 2002</p>
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Purpose: Boathouse and pier repair.

Datum: Corps of Engineers for Lake Washington, Original Bench Mark

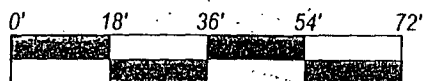
Adjacent Property Owners: Manke Lumber
1717 Marine View Dr.

Puyallup International
3702 Marine View Dr.

NOT FOR CONSTRUCTION, FOR AGENCY REVIEW ONLY



NORTH



SCALE: 1"= 36'

PROJECT SITE AND ADJACENT PROPERTIES

In: Section 36, Township 21 N, Range 3 E

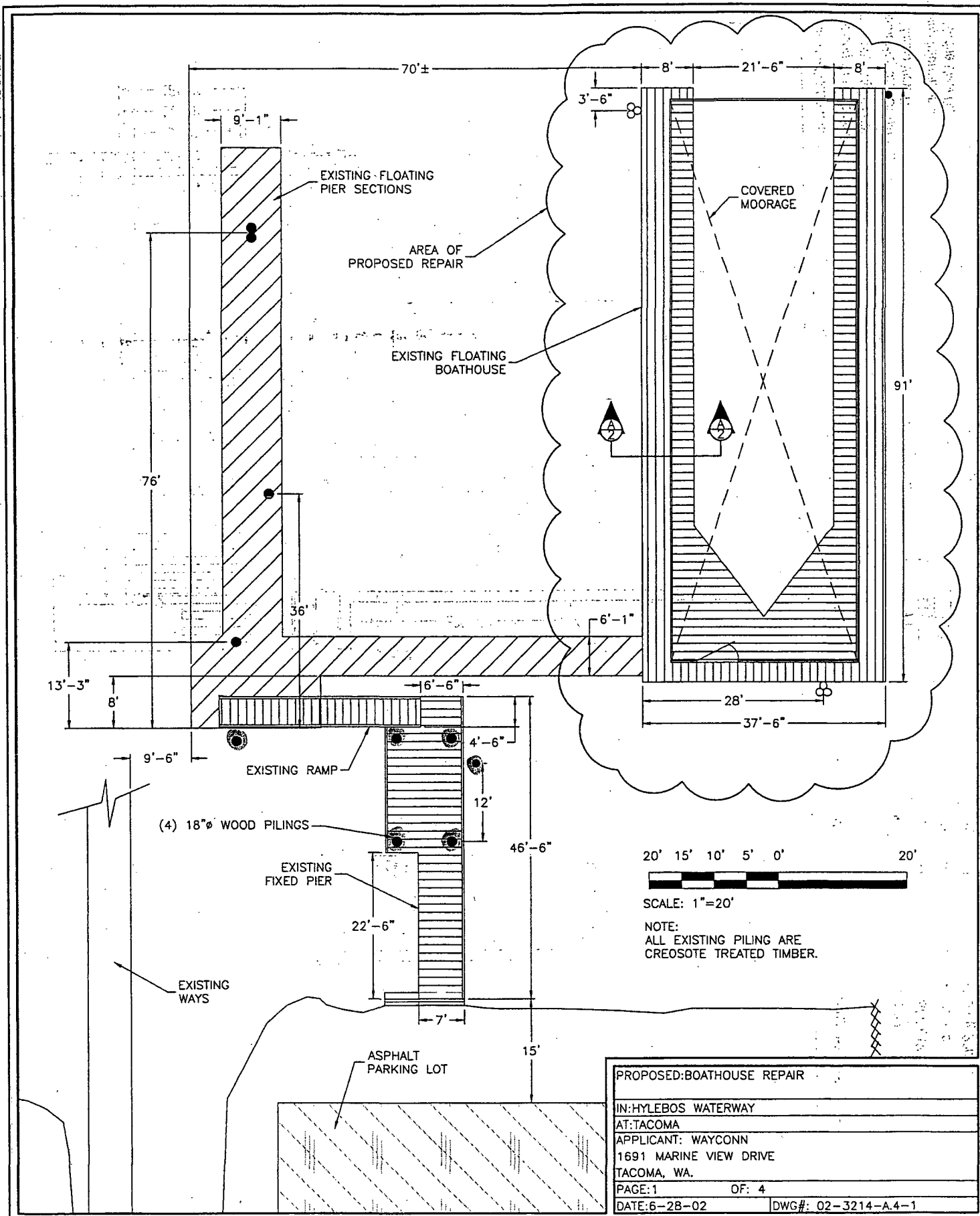
County of: Pierce

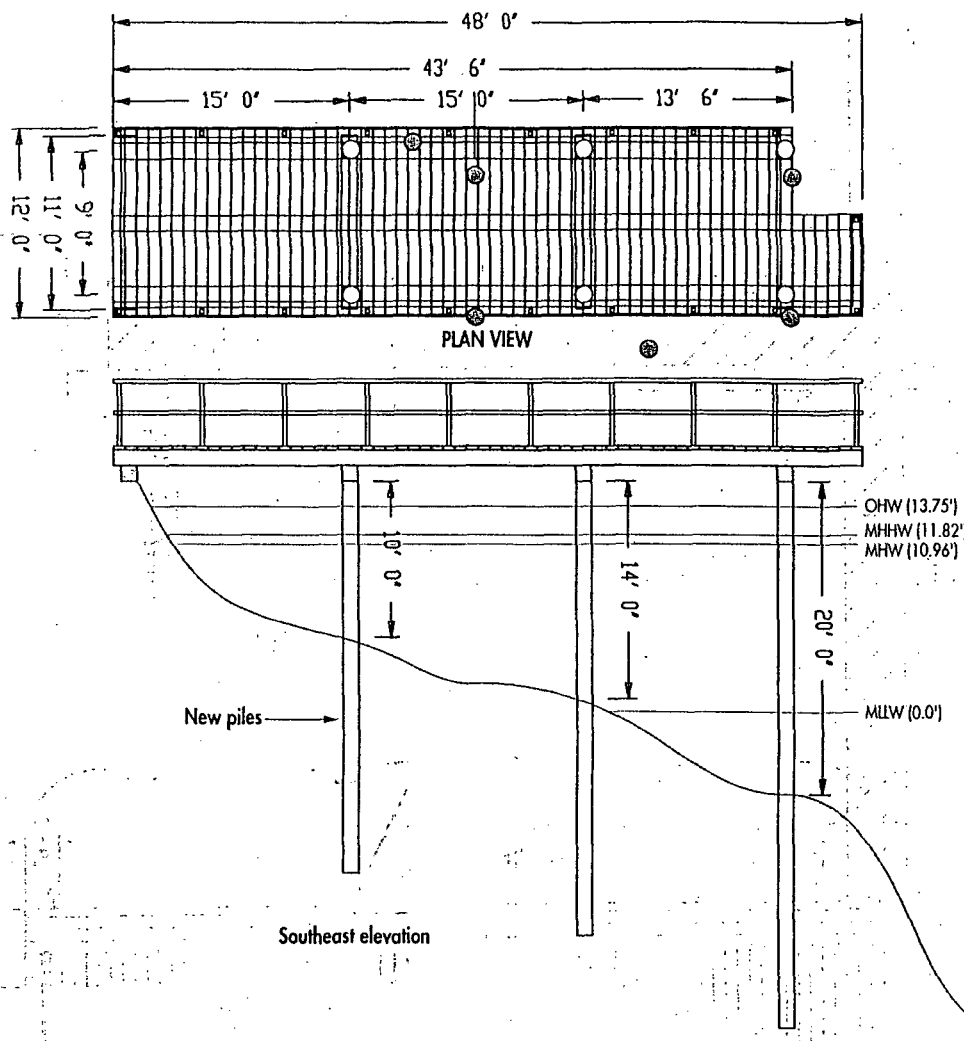
State: WA

Application by: Shapiro and Associates, Inc.

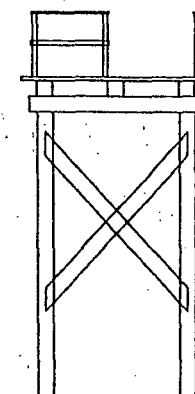
Sheet 2 of 3

February, 2002





- ⊙ existing wood piles
- new pilings

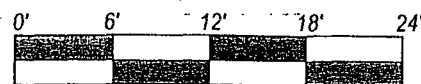


Northeast elevation

Southeast elevation

Purpose: Boathouse and pier repair.
 Datum: Corps of Engineers for Lake Washington, Original Bench Mark
 Adjacent Property Owners: Manke Lumber
 1717 Marine View Dr.
 Puyallup International
 3702 Marine View Dr.

NOT FOR CONSTRUCTION, FOR AGENCY REVIEW ONLY

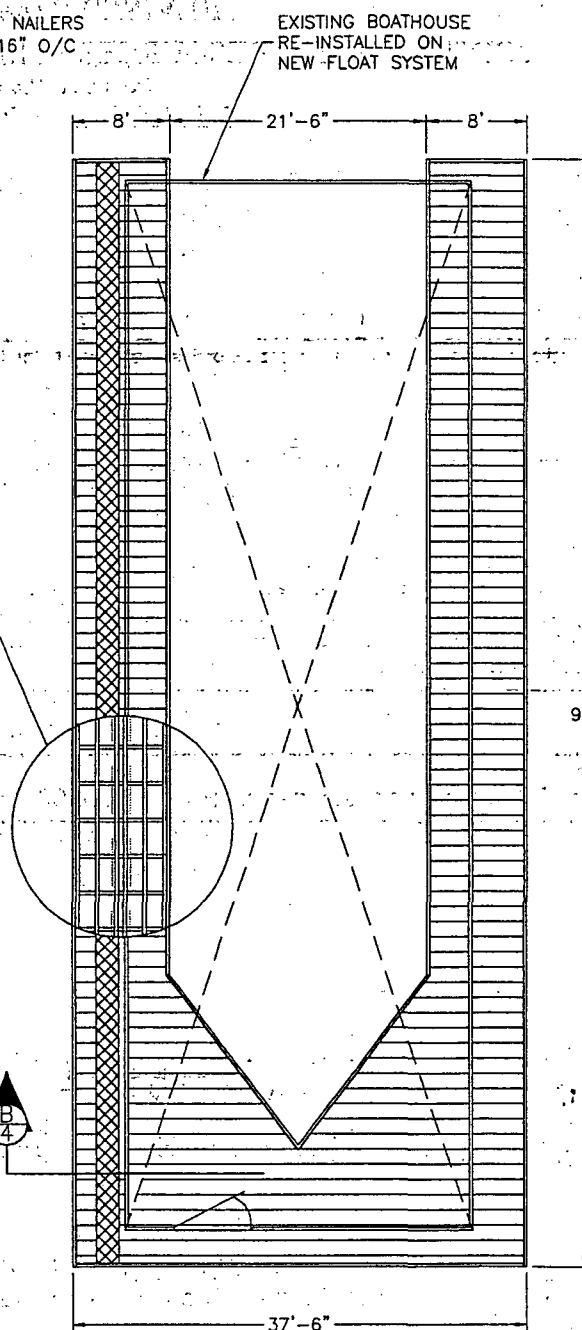
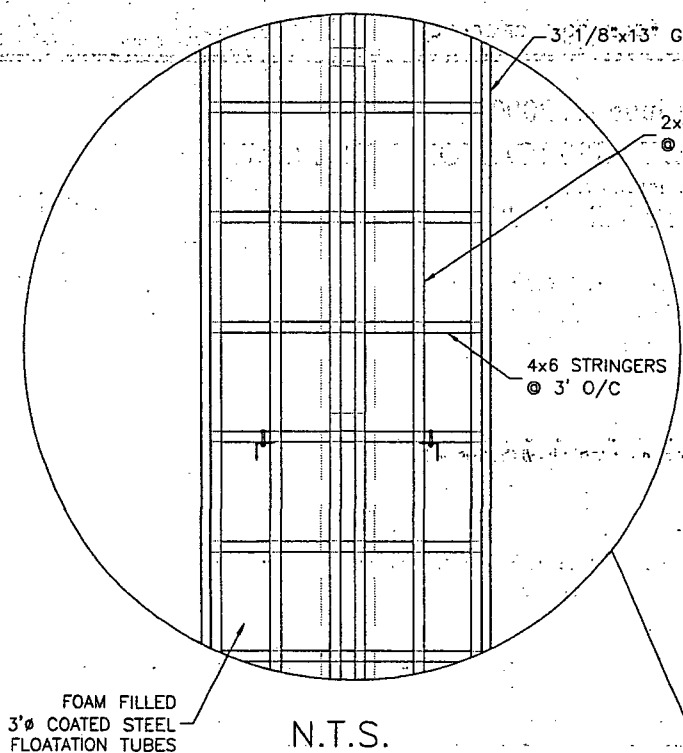


SCALE: 1"= 12'

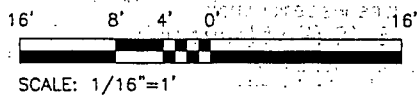
PROJECT SITE AND ADJACENT PROPERTIES

In: Section 36, Township 21 N, Range 3 E
 County of : Pierce State: WA
 Application by: Shapiro and Associates, Inc.
 Sheet 3 of 3 February, 2002

ATTACH. #2



PROPOSAL SKETCH



PROPOSED: BOATHOUSE REPAIR

IN: HYLEBOS WATERWAY

AT: TACOMA

APPLICANT: WAYCONN

1691 MARINE VIEW DRIVE

TACOMA, WA.

PAGE: 3

OF: 4

DATE: 6-28-02

DWG#: 02-3214-A.4-1

3 HR 2002-00010

AGENCY USE ONLY

Agency Reference #:

Date Received:

Circulated by:

(local govt. or agency)

REVISED (Dated June 16, 2000)

JOINT AQUATIC RESOURCES PERMIT APPLICATION FORM (JARPA)

(for use in Washington State)

PLEASE TYPE OR PRINT IN BLACK INK



- ☐ I am applying for a Fish Habitat Enhancement Project per requirements of RCW 75.20.350. You must submit a copy of this completed JARPA application form, and the (Fish Habitat Enhancement JARPA Addition) to your local Government Planning Department and Washington Department of Fish & Wildlife Area Habitat Biologist on the same day.

NOTE: LOCAL GOVERNMENTS - You must submit any comments on these projects to WDFW within 15 working days.

Based on the instructions provided, I am sending copies of this application to the following: (check all that apply)

- ☒ Local Government for shoreline: ☐ Substantial Development ☐ Conditional Use ☐ Variance ☒ Exemption ☐ Revision
☐ Floodplain Management ☐ Critical Areas Ordinance
☒ Washington Department of Fish and Wildlife for HPA (Submit 3 copies to WDFW Region)
☒ Washington Department of Ecology for 401 Water Quality Certification Nationwide Permits (to Regional office-Federal Permit Unit)
☐ Washington Department of Natural Resources for Aquatic Resources Use Authorization Notification
☒ Corps of Engineers for: ☐ Section 404 ☒ Section 10 permit
☐ Coast Guard for Section 9 Bridge Permit
☐ US Fish & Wildlife Service or National Marine Fisheries Service for Endangered Species Act (ESA) Consultation (initial consultation completed and have USFWS/NMFS concurrence; consultation is continuing on project design details)

SECTION A - Use for all permits covered by this application. Be sure to ALSO complete Section C (Signature Block) for all permit applications.

1. APPLICANT Way Conn Properties, Inc. Attn: Kenneth E. Ruggles, Chief Financial Officer			
MAILING ADDRESS C/O Spears Manufacturing Company, P.O. Box 9203, Sylmar, CA 91392			
WORK PHONE 818-364-1611	E-MAIL ADDRESS	HOME PHONE	FAX #

If an agent is acting for the applicant during the permit process, complete #2.

2. AUTHORIZED AGENT Shapiro and Associates, Inc. - April Reynolds			
MAILING ADDRESS 101 Yesler Way, Suite 400 Seattle, WA 98104			
WORK PHONE 206-624-9190	E-MAIL ADDRESS AReynolds@shap.com	HOME PHONE	FAX # 206-624-1901

3. RELATIONSHIP OF APPLICANT TO PROPERTY: ☐ OWNER ☐ PURCHASER ☐ LESSEE ☒ OTHER: Consultant

4. NAME, ADDRESS, AND PHONE NUMBER OF PROPERTY OWNER(S), IF OTHER THAN APPLICANT:

5. LOCATION (STREET ADDRESS, INCLUDING CITY, COUNTY AND ZIP CODE, WHERE PROPOSED ACTIVITY EXISTS OR WILL OCCUR)
1690 Marine View Drive, Pierce County, Tacoma, WA 98422

LOCAL GOVERNMENT WITH JURISDICTION (CITY OR COUNTY) City of Tacoma

WATERBODY Commencement Bay - Hylebos Waterway					TRIBUTARY OF Puget Sound		WRIA # 10
1/4 SECTION	SECTION 35	TOWNSHIP 21N	RANGE 3E	GOVERNMENT LOT	SHORELINE DESIGNATION S-10 (Port Industrial)		
LATITUDE & LONGITUDE IF KNOWN: approximately Latitude: 47° 15' 48" N Longitude: 122° 21' 28" W					ZONING DESIGNATION M-3 Industrial		
TAX PARCEL NO: 0321364022					DNR STREAM TYPE, IF KNOWN NA		

ATTN #3

6. DESCRIBE THE CURRENT USE OF THE PROPERTY, AND STRUCTURES EXISTING ON THE PROPERTY. IF ANY PORTION OF THE PROPOSED ACTIVITY IS ALREADY COMPLETED ON THIS PROPERTY, INDICATE MONTH AND YEAR OF COMPLETION.

Currently, Hyland Marine, a boat repair, construction, and building company, resides on the parcel. A machine shop, a boat manufacturing shop, and a storage shed are located on the upland portion of the property. A floating dock, a pier, and a boat house are located in the water of the property. The subject pier is used regularly and new piles are needed to better secure the pier. The subject boathouse, currently used for boat maintenance, has deteriorated floats that are in need to repair.

IS THE PROPERTY AGRICULTURAL LAND? ☐ YES ☒ NO

ARE YOU A USDA PROGRAM PARTICIPANT? ☐ YES ☒ NO

7a. DESCRIBE THE PROPOSED CONSTRUCTION AND/OR FILL WORK FOR THE PROJECT THAT YOU WANT TO BUILD THAT NEEDS AQUATIC PERMITS. COMPLETE PLANS AND SPECIFICATIONS SHOULD BE PROVIDED FOR ALL WORK WATERWARD OF THE ORDINARY HIGH WATER MARK OR LINE, INCLUDING TYPES OF EQUIPMENT TO BE USED. IF APPLYING FOR A SHORELINE PERMIT, DESCRIBE ALL WORK WITHIN AND BEYOND 200 FEET OF THE ORDINARY HIGH WATER MARK. ATTACH A SEPARATE SHEET IF ADDITIONAL SPACE IS NEEDED.

The proposed project includes repairs to the pier and floating boathouse. Construction activities include replacing six wooden pilings of an existing pier, which were damaged in the 2001 earthquake, with six, 12-inch, steel piles. Currently four wood pilings support the existing pier. Proposed activities include replacing the four piles that currently support the pier; replacing and changing the location of one additional piling that is currently not supporting the pier, but is next to the pier, to add additional support; and replacing a broken pile and repositioning the replacement pile to help support the pier. X-bracing will be replaced on the new pilings. Wood (creosote) piles will be completely removed and the remaining holes will be filled with clean sand. The pier will remain in its same footprint. The proposed pile removal and pile driving activities are estimated to take approximately two weeks. Project work also includes the repair of an existing floating boathouse. The floating boathouse repair includes replacing the deteriorated steel floats with new foam filled float tubs. The new float structure will be pre-fabricated at the contractor's facility and brought to the site on a barge. The existing boathouse structure will be lifted off the existing floating base, the base will be removed and the new float structure will be put in its place and the boathouse will be reattached.

7b. DESCRIBE THE PURPOSE OF THE PROPOSED WORK AND WHY YOU WANT OR NEED TO PERFORM IT AT THE SITE. PLEASE EXPLAIN ANY SPECIFIC NEEDS THAT HAVE INFLUENCED THE DESIGN.

The existing pier was damaged in the 2001 earthquake and is in need of repair. Piling replacement will secure the pier properly and allow for safe access to the float, pier, and boathouse. A vibratory insertion/extraction system will be used to removed and replace the pilings. The floating boathouse is currently being supported by steel float tubes. Over time these float tubes have rusted and deteriorated and are in need of repair to safely use the structure for boat maintenance.

7c. DESCRIBE THE POTENTIAL IMPACTS TO CHARACTERISTIC USES OF THE WATER BODY. THESE USES MAY INCLUDE FISH AND AQUATIC LIFE, WATER QUALITY, WATER SUPPLY, RECREATION, and AESTHETICS. IDENTIFY PROPOSED ACTIONS TO AVOID, MINIMIZE, AND MITIGATE DETRIMENTAL IMPACTS, AND PROVIDE PROPER PROTECTION OF FISH AND AQUATIC LIFE. ATTACH A SEPARATE SHEET IF ADDITIONAL SPACE IS NEEDED.

Impacts typically observed from projects of this nature that are most likely to affect fish include disturbance, temporary water quality degradation, and/or habitat alterations. Impacts from the proposed project could temporarily affect anadromous fish migration and/or rearing, and wildlife foraging habitat. The project work will be scheduled to avoid juvenile salmonid migration. With the project in place, small localized current eddies would form and dissipate around the new pilings. These are not expected to be noticeably different than the current conditions.

PREPARATION OF DRAWINGS: SEE SAMPLE DRAWINGS AND GUIDANCE FOR COMPLETING THE DRAWINGS. ONE SET OF ORIGINAL OR GOOD QUALITY REPRODUCIBLE DRAWINGS MUST BE ATTACHED. NOTE: APPLICANTS ARE ENCOURAGED TO SUBMIT PHOTOGRAPHS OF THE PROJECT SITE, BUT THESE DO NOT SUBSTITUTE FOR DRAWINGS. THE CORPS OF ENGINEERS AND COAST GUARD REQUIRE DRAWINGS ON 8-1/2 X 11 INCH SHEETS. LARGER DRAWINGS MAY BE REQUIRED BY OTHER AGENCIES.

8. WILL THE PROJECT BE CONSTRUCTED IN STAGES? ☐ YES ☒ NO

PROPOSED STARTING DATE: August 16

ESTIMATED DURATION OF ACTIVITY: Approximately 2 weeks

9. CHECK IF ANY STRUCTURES WILL BE PLACED:

☒ WATERWARD OF THE ORDINARY HIGH WATER MARK OR LINE FOR FRESH OR TIDAL WATERS; AND/OR

☒ WATERWARD OF MEAN HIGH WATER LINE IN TIDAL WATERS

10. WILL FILL MATERIAL (ROCK, FILL, BULKHEAD, OR OTHER MATERIAL) BE PLACED:
☐ WATERWARD OF THE ORDINARY HIGH WATER MARK OR LINE FOR FRESH WATERS? IF YES, VOLUME (CUBIC YARDS) /AREA (ACR)
☒ WATERWARD OF THE MEAN HIGHER HIGH WATER FOR TIDAL WATERS? IF YES, VOLUME (CUBIC YARDS) 2 /AREA (ACR)

11. WILL MATERIAL BE PLACED IN WETLANDS? ☐ YES ☒ NO
 IF YES: A. IMPACTED AREA IN ACRES: B. HAS A DELINEATION BEEN COMPLETED? IF YES, PLEASE SUBMIT WITH APPLICATION. ☐ YES ☐ NO
 C. HAS A WETLAND REPORT BEEN PREPARED? IF YES, PLEASE SUBMIT WITH APPLICATION. ☐ YES ☐ NO
 D. TYPE AND COMPOSITION OF FILL MATERIAL (E.G., SAND, ETC.):
 E. MATERIAL SOURCE:
 F. LIST ALL SOIL SERIES (TYPE OF SOIL) LOCATED AT THE PROJECT SITE, & INDICATE IF THEY ARE ON THE COUNTY'S LIST OF HYDRIC SOILS. SOILS INFORMATION CAN BE OBTAINED FROM THE NATURAL RESOURCES CONSERVATION SERVICE (NRCS):

12. WILL PROPOSED ACTIVITY CAUSE FLOODING OR DRAINING OF WETLANDS? ☐ YES ☒ NO
 IF YES, IMPACTED AREA IS ACRES.

13. WILL EXCAVATION OR DREDGING BE REQUIRED IN WATER OR WETLANDS? ☒ YES ☐ NO
 IF YES: A. VOLUME approximately 2 (CUBIC YARDS) /AREA (ACRES).
 B. COMPOSITION OF MATERIAL TO BE REMOVED: wood (creosote) piles
 C. DISPOSAL SITE FOR EXCAVATED MATERIAL: at the contractors facility
 D. METHOD OF DREDGING: Vibratory extraction system

14. HAS THE STATE ENVIRONMENTAL POLICY ACT (SEPA) BEEN COMPLETED? ☐ YES ☒ NO
 SEPA LEAD AGENCY: City of Tacoma SEPA DECISION: DNS, MDNS, EIS, ADOPTION, EXEMPTION
 SUBMIT A COPY OF YOUR SEPA DECISION LETTER TO WDFW AS REQUIRED FOR A COMPLETE APPLICATION. DECISION DATE (END OF PERIOD):

15. LIST OTHER APPLICATIONS, APPROVALS, OR CERTIFICATIONS FROM OTHER FEDERAL, STATE OR LOCAL AGENCIES FOR ANY STRUCTURES, CONSTRUCTION, DISCHARGES, OR OTHER ACTIVITIES DESCRIBED IN THE APPLICATION (I.E., PRELIMINARY PLAT APPROVAL, HEALTH DISTRICT APPROVAL, BUILDING PERMIT, SEPA REVIEW, FEDERAL ENERGY REGULATORY COMMISSION LICENSE (FERC), FOREST PRACTICES APPLICATION, ETC.) ALSO INDICATE WHETHER WORK HAS BEEN COMPLETED AND INDICATE ALL EXISTING WORK ON DRAWINGS.

TYPE OF APPROVAL	ISSUING AGENCY	IDENTIFICATION NO.	DATE OF APPLICATION	DATE APPROVED	COMPLETED
Section 10	U.S. Army Corps of Engineers				
HPA	WDFW				
Section 401 certification	DOE				
Coastal Zone Management	City of Tacoma				
Building permit	City of Tacoma				

16. HAS ANY AGENCY DENIED APPROVAL FOR THE ACTIVITY DESCRIBED HEREIN OR FOR ANY ACTIVITY DIRECTLY RELATED TO THE ACTIVITY DESCRIBED HEREIN? ☐ YES ☒ NO IF YES, EXPLAIN:

SECTION B - Use for Shoreline and Corps of Engineers permits only:

17. TOTAL COST OF PROJECT. THIS MEANS THE FAIR MARKET VALUE OF THE PROJECT, INCLUDING MATERIALS, LABOR, MACHINE RENTALS, ETC.

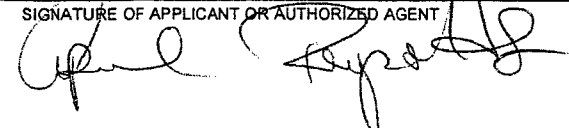
18. LOCAL GOVERNMENT WITH JURISDICTION: City of Tacoma

19. FOR CORPS, COAST GUARD, AND DNR PERMITS, PROVIDE NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF ADJOINING PROPERTY OWNERS, LESSEES, ETC.
 PLEASE NOTE: SHORELINE MANAGEMENT COMPLIANCE MAY REQUIRE ADDITIONAL NOTICE - CONSULT YOUR LOCAL GOVERNMENT.

NAME	ADDRESS	PHONE NUMBER
Manke Lumber	1717 Marine View Drive	253-572-6252
Puyallup International	3702 Marine View Drive	253-383-2820

SECTION C - This section MUST be completed for any permit covered by this application

20. APPLICATION IS HEREBY MADE FOR A PERMIT OR PERMITS TO AUTHORIZE THE ACTIVITIES DESCRIBED HEREIN. I CERTIFY THAT I AM FAMILIAR WITH THE INFORMATION CONTAINED IN THIS APPLICATION, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, SUCH INFORMATION IS TRUE, COMPLETE, AND ACCURATE. I FURTHER CERTIFY THAT I POSSESS THE AUTHORITY TO UNDERTAKE THE PROPOSED ACTIVITIES. I HEREBY GRANT TO THE AGENCIES TO WHICH THIS APPLICATION IS MADE, THE RIGHT TO ENTER THE ABOVE-DESCRIBED LOCATION TO INSPECT THE PROPOSED, IN-PROGRESS OR COMPLETED WORK. I AGREE TO START WORK ONLY AFTER ALL NECESSARY PERMITS HAVE BEEN RECEIVED.

SIGNATURE OF APPLICANT OR AUTHORIZED AGENT:  DATE: 5-30-02

I HEREBY DESIGNATE Shayiro & Associates TO ACT AS MY AGENT IN MATTERS RELATED TO THIS APPLICATION FOR PERMIT(S). I UNDERSTAND THAT IF A FEDERAL PERMIT IS ISSUED, I MUST SIGN THE PERMIT.	
SIGNATURE OF APPLICANT <i>K-E. B. L. CO</i>	DATE May 30, 2002
SIGNATURE OF LANDOWNER (EXCEPT PUBLIC ENTITY LANDOWNERS, E.G. DNR) <i>K-E. B. L. CO</i>	DATE May 30, 2002
THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE AGENT, IF AN AUTHORIZED AGENT IS DESIGNATED.	

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

* Kenneth E. Ruggles
Chief Financial Officer
Way Cann Properties, Inc.



US Army Corps
of Engineers.

REFERENCE BIOLOGICAL EVALUATION
SPECIFIC PROJECT INFORMATION FORM
For Piling Replacement Work

1. Referenced Biological Evaluations:

Programmatic Biological Evaluation (PBE), Replacement of up to Eighteen (18) Existing Pilings in: Programmatic Biological Evaluation for the State of Washington for Salmonid Species Listed or Proposed by the National Marine Fisheries Service and U.S. Fish and Wildlife Service Under the Endangered Species Act. October 13, 2000. Regulatory Branch, Seattle District Corps of Engineers.¹

Programmatic Biological Assessment for Habitat Restoration/Rehabilitation Activities in the State of Washington for Species Listed or Proposed by the National Marine Fisheries Service and U.S. Fish and Wildlife Service Under the Endangered Species Act (Phase II – Restoration Programmatic). April 13, 2001. Regulatory Branch, Seattle District Corps of Engineers.²

2. Date: May 28, 2002

3. Applicant: Way Conn Properties, Inc. Corps Reference No. _____
Address: c/o Spears Manufacturing Company, Kenneth E. Ruggles, Chief Financial Officer, P.O. Box 9203
City: Sylmar State: California Zip: 91392

4. Agent: Shapiro and Associates, Inc. - April Reynolds
Address: 101 Yesler Way, Suite 400
City: Seattle State: WA Zip: 98104

5. Location(s) of Activity: (Figure 1)
Section: 36 Township: 21N Range: 3E
Latitude: 47° 15' 48" N Longitude: 122° 21' 28" W
Waterbody: Hylebos Waterway/
Commencement Bay/
Puget Sound

6. Threatened or Endangered Species Present (both Listed and Proposed):

Species	Distance to Occurrence (i.e., to nest or perch tree)	Effect Determination (No effect or not likely to adversely affect)
Chinook salmon	Within the Hylebos waterway	Not likely to adversely affect
Puget Sound bull trout	Within the Hylebos waterway	Not likely to adversely affect
Bald eagle	3 miles	No effect

7. Work Description: Describe how many pilings would be repaired, replaced, and what type of replacement piling would be used. Describe what method would be used to repair pilings, and how long the work would take.

The proposed project includes repairing an existing pier and floating boathouse. Pilings of an existing pier would be replaced, which includes replacing six wood piles with six 12-inch coated steel piles. Currently, four wood pilings support the existing pier. The applicant wants to repair the pier and slightly modify four of the piling placements to

¹ For construction description and effects analysis.

² For environmental baseline, cumulative effects, and species descriptions.

better support the pier. Project work includes replacing the four piles that currently support the pier; moving one additional pile that is currently not supporting the pier, but is next to the pier, to add additional support; and repairing a broken pile and repositioning the replacement pile to help support the pier. A total of six coated steel piles are proposed to support the pier. X-bracing will be replaced on the new pilings. Wood (creosote) piles will be completely removed and the remaining holes will be filled with clean sand. The pier will remain in its same footprint. The proposed pile removal and pile-driving activities will take approximately two weeks.

The floating boathouse repair includes replacing the deteriorated steel floats with new foam filled float tubs. The new float structure will be pre-fabricated at the contractor's facility and brought to the site on a barge. The existing boathouse structure will be lifted off the existing floating base, the base will be removed and the new float structure will be put in its place.

8. **Construction Techniques:** Describe how the piling(s) would be removed, replaced, and repaired, and the type of equipment that would be used.

A barge will be used to transport all necessary equipment to the project site. A barge-mounted crane and a vibratory insertion/extraction system will be used to remove and replace piles. Initial staging for the pier and boathouse repair will take place at upland sites at the contractor's facility. At the project site, the staging area will be confined to the barge. Equipment washout will occur at the contractor's facility where water treatment is available. Excavated pilings will be cut into 4-foot sections, removed from the site on the barge, and taken to an approved disposal site. The existing floats from the boathouse will be removed from the site by the barge and will also be disposed of at an approved upland disposal site.

9. **Why doesn't the programmatic consultation for piling replacement apply?**

The project is at a Superfund site.

10. **Justification/Effects Analysis:** Describe why the project is "not likely to adversely affect" without meeting all the conservation measures or parameters of the Programmatic Consultation Phase I (PBE) (include addendum if needed).

Although the proposed project is within a Superfund site, conservation measures will be taken to minimize the amount of disturbance during construction activities. A containment sleeve will be placed around the pilings to be removed, thus containing the suspended sediments to a very small area. The sleeve will be placed below the mudline and extended above the water surface. Once the piling is removed, the sleeve will be left in place until suspended sediments have settled. No known salmon spawning areas are documented in the action area. Additionally, there is significant human disturbance in the area, including heavy industrial work, so the project will have little cumulative effect.

11. **Work Window for Construction:** August 16 to March 15

12. **Conservation Measures to be Implemented:** Mark all that apply and will be done.

- ☐ No work will be done in or within 300 feet of an existing or previously designated Superfund Cleanup sites or a site currently or previously designated for cleanup under the Washington State Model Toxic Cleanup Act.
- ☒ No pilings are associated with log raft booms.
- ☒ No sheet piling will be used in lieu of pole piling.
- ☒ No piling treated with creosote or pentachlorophenol will be used.
- ☒ Existing pilings will be either partially cut with a new pile secured directly on top, fully extracted, or cut 2 feet below the mudline.
- ☒ For all treated pilings that are fully extracted or cut 2 feet below the mudline, the holes or the cut pilings will be capped with appropriate material (such as clean sand, or plastic or steel pile cap) to ensure that the chemicals from the existing pile do not leach into the adjacent sediments or water column. If fill (i.e., clean sand) is used to cap the area, the fill material should match sediment substrate of the site.
- ☒ All removed creosote-treated pilings will be cut into maximum lengths of 4 feet before disposal.

- ☒ If a barge is used, the barge will not run aground and will not be over or within 300 feet of vegetated shallows (including eelgrass).
- ☒ Hydraulic water jets will not be used to remove or place pilings.
- ☒ Piling will be replaced in the same general location and will not extend beyond the footprint of the existing structure (i.e., pier).
- ☒ Use of vibratory pile drivers is prohibited where the piling is located in or within 300 feet of eelgrass beds.

13. Proposed Nationwide Permit(s): None.

14. Drawings: Attach copies of location, plan, and elevation/section drawings. Photographs are optional.

Hansen, Jennifer

From: Flint.Kris@epamail.epa.gov
Sent: Tuesday, August 06, 2002 5:20 PM
To: JHansen2@cityoftacoma.org
Cc: rwebb@dofnw.com; pfuglevand@dofnw.com; Contreras.Peter@epamail.epa.gov; rmcm461@ecy.wa.gov
Subject: Comments on Public Notice

Public Notice, dated 7/23/02

File No.: SHR2002-00010

Applicant: Shapiro & Associates (April Reynolds)

Project: Piling and float replacement

Location: Hylebos Waterway, Commencement Bay Nearshore/Tideflats
Superfund Site

I have just completed review of the public notice for piling and float replacement at this property located at the head of Hylebos Waterway and there is some additional information you should be aware of, as well as a comment regarding piling replacement.

1. In October of 1996, Way Conn Properties entered into an agreement with EPA regarding the purchase of the subject parcel of land. This agreement, commonly referred to as a prospective purchasers agreement, says that Way Conn must take all appropriate action to prevent, abate, or minimize a release (or the threat of a release) of hazardous substances, pollutants or contaminants at or from the site. (Paragraph 32 of Agreement and Covenant Not to Sue, Docket 10-96-0079 CERCLA).

2. As we discussed by phone this morning, there is contamination in nearshore sediments in and around the pilings that are being pulled and/or replaced (approximately 0.2 acres). The contamination consists primarily of metals and is slated for remedial action in the near future. This particular area is called Sediment Management Area (SMA) 142 and may be viewed on-line at the location listed just below. This document is the August 2000 Explanation of Significant Differences and outlines all areas proposed for some type of remediation. The particular figure showing SMA142 is shown, I believe, on Figure 3 (Hylebos WW Remedial Action Areas).

[http://yosemite.epa.gov/R10/CLEANUP.NSF/9f3c21896330b4898825687b007a0f33/e8d62480494ad483882564f80082a1c0/\\$FILE/cb-esd+00.pdf](http://yosemite.epa.gov/R10/CLEANUP.NSF/9f3c21896330b4898825687b007a0f33/e8d62480494ad483882564f80082a1c0/$FILE/cb-esd+00.pdf)

3. Pulling old pilings and driving new pilings is quite likely to stir up contaminated sediments in the area and spread them about. Every caution should be taken to prevent this from happening; for instance, mats on the mud or curtains around the work area may be used to limit resuspension and redistribution. Although remedial design for Hylebos Waterway is only at the 30% phase, you (or Shapiro and Associates) may be able to obtain more detail about the specific remedial action planned for SMA142 and thus determine exactly what type of special precautions should be applied here. Contacts for remedial design are:

Rob Web (for remedial design) at Silverdale office of Dalton, Olmstead & Fuglevand
phone: 360 692-7345
email: rwebb@dofnw.com

Paul Fuglevand (head project manager) at Dalton, Olmstead & Fuglevand
phone: 425 827-4588
fax 425 739-9885
email: pfuglevand@dofnw.com

ADNCA. 45

4. In addition, any other over-water work such as refurbishing the boathouse, should be conducted with due care to prevent old or new paint or other contamination from entering the water column or underlying sediments. Washington Department of Ecology can provide additional information and guidance regarding over-water work. The best point-of-contact at Ecology for this portion of the waterway is:

Russ McMillan, Ecology's Urban Bay Action Team in the Southwest
Regional Office, Olympia
phone: 360 407-6254
email: RMcm461@ecy.wa.gov

5. Other questions concerning the waterway should be addressed to:

Peter Contreras, Remedial Project Manager at US EPA/Region 10
phone: 206 553-6708
fax: 206 553-0124
email: contreras.peter@epa.gov

If you have any questions about this memo, please call me:

Kris Flint
RPM for Source Control, CB/NT Superfund Site
US EPA/R10
phone: 206/553-8155
fax: 206/553-0124



AUG 8 2002

CITIZENS FOR A HEALTHY BAY

917 Pacific Avenue
Suite 406
Tacoma, WA 98402
Phone (253) 383-2429
Fax (253) 383-2446
chb@wa.net
www.tacoma.net/~chb

August 6, 2002

Ms. Jennifer Hansen,
Building and Land Use
Services Division
Public Works Department
747 Market Street, Room 345
Tacoma, WA 98402

Re: SHR2002-00010 – Shoreline Repair and Maintenance Exemption
1690 Marine View Drive, Tacoma, WA 98422

Dear Ms. Hansen:

Board of Directors

Linda Elliott Farmer
Scott Hansen
Bruce Kilen
Kristi Lynett
Peter Porietis
Lee Roussel
Robert Stivers
Sheri Tonn
Peter Wimberger
Allen Zulauf

The purpose of this letter is to convey comments and concerns relative to the above referenced application from Citizens for a Healthy Bay (CHB). CHB is a community-based, non-profit environmental organization representing over 900 members of the Commencement Bay community. Our mission is to clean up, restore and protect the Commencement Bay environs.


The project site is located in the Hylebos Waterway problem area of the Commencement Bay Nearshore and Tidelands Superfund site. As such, work to replace 6 existing deteriorated and damaged pilings should be coordinated with sediment remedial actions in that section of the waterway. Please contact Mr. Peter Contreras, EPA's Project Manager for Hylebos Waterway at (206) 553-6708 for specific details on the sediment remedial action planned for this portion of the waterway.

Additional care must be taken during repair and maintenance work on the existing boathouse to prevent any materials, solvents, paints, etcetera from entering the water. The work area needs to be boomed off and any materials dropped into the water must be removed.

Hylebos Waterway is also part of a habitat corridor used by out-migrating juvenile salmon leaving Hylebos Creek and entering the Commencement Bay estuary. Replacing the exiting pier with an open grate pier would minimize the amount of shading in the nearshore area caused by this over-water structure.

Thank you for your consideration of our remarks.

Sincerely:


Leslie Ann Rose
Senior Policy Analyst

A tax-exempt
nonprofit organization with
501(c)(3) status

Printed on non-secondarily
bleached recycled paper with
soy based ink

ATTACH. #6